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FILED



CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,)	CRIMINAL INFORMATION
)	
PLAINTIFF,)	
)	CASE NO. 2:09-cr-380-PMP-LRL
v.)	
)	VIOLATION:
DONALD G. COX III,)	
)	18 U.S.C. § 1344 - Bank Fraud
DEFENDANT.)	

THE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA CHARGES THAT:

COUNT ONE
Bank Fraud

1. On or about March 20, 2007, in the Federal District of Nevada and elsewhere,

DONALD G. COX III,

the defendant herein, did knowingly execute and attempt to execute a scheme and artifice to defraud a financial institution and to obtain money, funds, assets, and property owned by and under the custody and control of a financial institution by means of false and fraudulent pretenses, representations, and promises.

2. It was part of the scheme and artifice that on or about date, defendant **DONALD G. COX III** submitted and caused to be submitted an application and related documentation for a home mortgage for a house located at 5012 Elkin Creek Avenue, Las Vegas, Nevada, to Greenpoint

1 Mortgage, a financial institution insured by the Federal Deposit Insurance Corporation, containing
2 materially false and fraudulent information about the applicant/buyer's employment, income, and
3 intent to live in the house, which information he then and there well knew was false and fraudulent.

4 3. It was further part of the scheme and artifice that defendant **DONALD G. COX III**
5 fraudulently concealed and caused to be concealed material information from Greenpoint Mortgage
6 about a financial arrangement wherein the seller of the house agreed to kick back a portion of the loan
7 proceeds, when defendant **DONALD G. COX III** then and there well knew that Greenpoint Mortgage
8 would not approve the mortgage application if it had known about the kick back agreement.

9 4. As a result of the defendant's fraud, a mortgage was issued, which later went into
10 default resulting in a loss of between \$120,000 and \$200,000.

11 All in violation of Title 18, United States Code, Section 1344.

12 **FORFEITURE ALLEGATION**

13 1. The allegations of Count One of this Information are hereby realleged and
14 incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provision of Title
15 18, United States Code, Section 982(a)(2)(A).

16 2. Upon a conviction of the felony offenses charged in Count One of this Information,

17 **DONALD G. COX III,**

18 defendant herein, shall forfeit to the United States of America, any property constituting, or derived
19 from, proceeds obtained directly or indirectly, as the result of violations of Title 18, United States
20 Code, Section 1344 up to \$200,000.00 in United States Currency.

21 3. If any property being subject to forfeiture pursuant to Title 18, United States Code,
22 Section 982(a)(2)(A), as a result of any act or omission of the defendant –

- 23 a. cannot be located upon the exercise of due diligence;
24 b. has been transferred or sold to, or deposited with, a third party;
25 c. has been place beyond the jurisdiction of the court;

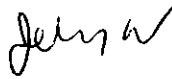
- 1 d. has been substantially diminished in value; or
2 e. has been commingled with other property that cannot be divided
3 without difficulty;

4 it is the intent of the United States of America to seek forfeiture of any properties of the defendant up
5 to \$200,000.00 in United States Currency.

6 All pursuant to Title 18, United States Code, Section 982(a)(2)(A); Title 18, United States
7 Code, Section 1344; and Title 21, United States Code, Section 853(p).

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9 **DATED:** this 4th day of September 2009.

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11 GREGORY A. BROWER
12 United States Attorney

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14 JEFFREY T. TAO
15 Assistant United States Attorney
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